

Tax Type: PROPERTY TAX
Issue: Religious Ownership/Use

THE ROMAN CATHOLIC BISHOP) Docket No.(s) 94-1-4
OF THE DIOCESE OF SPRINGFIELD)
)
Applicant) PI No.(s) 23-3-1833-000
) (Adams County)
)
v.)
)
THE DEPARTMENT OF REVENUE)
OF THE STATE OF ILLINOIS) George H. Nafziger
) Administrative Law Judge
)

APPEARANCES Appearing on behalf of Applicant was Mr. Bradley E.
Huff, Attorney for Applicant.

Is Applicant a religious organization? Did Applicant own the parcel here in issue during all of the 1994 assessment year? Did Applicant use all of the parcel here in issue and the building thereon, for religious or school purposes during the 1994 assessment year? Following the submission of all of the evidence and a review of the record, it is determined that Applicant is a religious organization. It is also determined that Applicant owned the parcel here in issue and the building thereon, during all of the 1994 assessment year. In addition, it is determined that Applicant used all of the parcel here in issue and the building thereon, for religious or school purposes during the entire 1994 assessment year.

FINDINGS OF FACT The Department's position in this matter, namely that the parcel here in issue and the building thereon, did not qualify for exemption during 1994, was established by the admission in evidence of Department's Exhibits 1 through 6B.

On June 6, 1994, the Adams County Board of Review forwarded an Application for Property Tax Exemption To Board of Review, concerning this parcel for the 1994 assessment year, to the Illinois Department of Revenue (Department's Exhibit 2). On December 15, 1994, the Department advised Applicant that it was denying the exemption of the parcel here in issue and the building thereon, for 1994 (Department's Exhibit 3). On January 5, 1995, Rev. Venvertloh requested a formal hearing in this matter (Department's Exhibit 4). The hearing held in this matter on April 5, 1995, was held pursuant to that request.

I take Administrative Notice of the fact that the Department of Revenue in Docket numbers 82-84-13 and 85-42-8, among others, determined that Applicant is a religious organization.

Applicant acquired the parcel here in issue by a warranty deed, dated December 1, 1993. This parcel is located directly west of, and across Seventh Street, from St. Mary's Church. St. Mary's Grade School is located next to, and directly north of, the church. This parcel is improved with a two-story brick structure with basement, and an attached frame one-car garage located behind the brick structure. Behind the garage is a yard area.

At the beginning of 1994, the volunteer maintenance team of St. Mary's Church repaired the garage door and the windows in the garage, as well as several exterior doors to make the building secure. Since that time, the volunteer maintenance team has used the garage as a work and storage area. Items stored in the garage included maintenance tools, such as saws and ladders and surplus school equipment such as desks and tables. The

basement of the two-story brick structure contained the furnace and other building service equipment. The first and second floor of the brick structure were also used for storage during 1994. The items stored on the first and second floor of the brick structure consisted of church furniture, including altar sections, benches, and kneelers, as well as seasonal decorations, which belonged to the church.

The yard area located behind the building on this parcel was used for the parish ice cream social during August 1994. Beginning in the fall of 1994, this back yard area was also used by the students of the parish grade school for exercise and play, five days a week.

1. Based on the foregoing, I find that Applicant is a religious organization.

2. I find that Applicant owned the parcel here in issue and the building thereon, during all of the 1994 assessment year.

3. Finally, I find that St. Mary's Church used the parcel here in issue and the building thereon, for religious, church, and school purposes, during all of the 1994 assessment year.

CONCLUSIONS OF LAW Article IX, Section 6, of the Illinois Constitution of 1970, provides in part as follows:

"The General Assembly by law may exempt from taxation only the property of the State, units of local government and school districts and property used exclusively for agricultural and horticultural societies, and for school, religious, cemetery and charitable purposes."

35 ILCS 200/15-40 exempts certain property from taxation in part as follows:

"All property used exclusively for religious purposes or used exclusively for school and religious purposes,...and not leased or otherwise used with a view to profit, is exempt,...."

Based on the foregoing, I conclude that Applicant, a religious organization, owned the parcel here in issue during the 1994 assessment year, and that St. Mary's used this parcel and the building thereon, for

religious, church, and school purposes, during all of said assessment year.

I therefore recommend that Adams County parcel No. 23-3-1833-000 and the improvements thereon, be exempt from real estate tax for the entire 1994 assessment year.

Respectfully Submitted,

George H. Nafziger
Administrative Law Judge

April , 1995